

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: AAA Pace Services, Inc.

Petition No. 2003-0527-053-004

**CONSENT ORDER**

WHEREAS, AAA Pace Services, Inc. of North Haven, Connecticut (hereinafter "respondent") has been issued license number 000032 to practice as an asbestos contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In or about April 2003, respondent was the asbestos contractor for an asbestos abatement project at 422 Winthrop Avenue, New Haven (hereinafter "the residential property") and 424 Winthrop Avenue, New Haven (hereinafter "the commercial property"). Said projects involved the removal of approximately 600 square feet of asbestos containing floor tile and coverings, 150 square feet of ceiling tiles and 30 square feet of transite piping.
2. On or about April 28, 2003, in connection with the asbestos abatement project at the residential property, respondent:
  - a. failed to wet all asbestos containing waste and place such waste in labeled leak-tight containers in that the waste dumpster was not labeled, visibly dry and a Department investigator observed neighborhood residents retrieving metal out of the dumpster;
  - b. failed to post warning signs at all approaches to the work area to permit a person to take precautionary measures to avoid exposure to asbestos;

- c. failed to isolate the work area from non-work areas with air-tight barriers attached securely in place in that a Department investigator observed workers throwing debris from a three story roof towards an open-top dumpster and in that there were insufficient and/or the absence of polyethylene barriers installed in a number of work areas;
- d. failed to cover all floor and wall surfaces in the work area with a minimum of two (2) layers of four (4) mil polyethylene sheeting or the equivalent in that a Department investigator observed that there was insufficient and/or the absence of floor or wall polyethylene installed on the flooring, several walls and/or around windows in the bedroom, kitchen and hallway work areas;
- e. failed to apply a coating of encapsulant to all surfaces that have been stripped of asbestos containing materials after the surfaces have been free of visible residue in that a Department investigator did not observe any encapsulant on a majority of the abated surfaces;
- f. failed to properly construct and operate a worker decontamination system in the bedroom, kitchen and hallway work areas;
- g. failed to meet post abatement re-occupancy criteria for asbestos abatement projects prior to re-occupying the site in that no re-occupancy air sampling had been conducted and no Department licensed Project Monitor had performed a visual inspection of the work areas;
- h. failed to utilize clean up procedures, involving high efficiency particulate air ("HEPA") filtered vacuuming and wet cleaning techniques, until no visible residue is observed in the bedroom, kitchen and hallway work areas; and

- i. failed to provide negative pressure units with HEPA filtration (hereinafter “units”) in sufficient number to allow at least one air change every fifteen minutes in each work area in that a Department investigator did not observe any such units in the bedroom, kitchen and hallway work areas.
3. On or about April 28, 2003, in connection with the asbestos abatement project at the commercial property, respondent:
- a. failed to file a separate notification form for the commercial property with the Department indicating the actual completion date for this specific project, as well as identifying all of the asbestos containing materials to be abated specifically at the commercial property;
  - b. failed to isolate the work area from non-work areas with air-tight barriers attached securely in place;
  - c. failed to cover all floor and wall surfaces in the work area with a minimum of two (2) layers of four (4) mil polyethylene sheeting or the equivalent;
  - d. failed to apply a coating of encapsulant to all surfaces that have been stripped of asbestos containing materials after the surfaces have been free of visible residue;
  - e. failed to properly construct and operate a worker decontamination system at the work area;
  - f. failed to meet post abatement re-occupancy criteria for asbestos abatement projects prior to re-occupying the site in that no re-occupancy air sampling had been conducted and no Department licensed Project Monitor had performed a visual inspection of the work area;

- g. failed to utilize clean up procedures, involving high efficiency particulate air (“HEPA”) filtered vacuuming and wet cleaning techniques, until no visible residue is observed; and
  - h. failed to provide negative pressure units with HEPA filtration (hereinafter “units”) in sufficient number to allow at least one air change every fifteen minutes in each work area.
4. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 and 19a-332a of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-2, 19a-332a-3(a), 19a-332a-5(c), 19a-332-5(e), 19a-332a-5(g), 19a-332a-5(h), 19a-332a-5(j), 19a-332a-5(k), 19a-332a-6(a), 19a-332a-7(c) and 19a-332a-12 of the Regulations.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14 and 19a-17 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

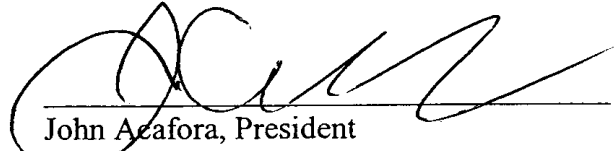
1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent’s license number 000032 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.

3. Respondent shall pay a civil penalty of seven thousand five hundred dollars (\$7,500.00) in three (3) installments as follows: The first installment shall be in an amount of two thousand five hundred dollars (\$2,500.00) and shall be payable at the time respondent submits the executed Consent Order to the Department. The second installment shall be in the amount of two thousand five hundred dollars (\$2,500.00) and shall be payable on or before September 30, 2003. The third installment shall be in the amount of two thousand five hundred dollars (\$2,500.00) and shall be payable on or before October 30, 2003. All installments shall be paid by certified or cashier's check payable to "Treasurer, State of Connecticut." The checks shall reference the Petition Number on the face of each check.
4. All correspondence, reports and civil penalty installment checks are to be addressed to:

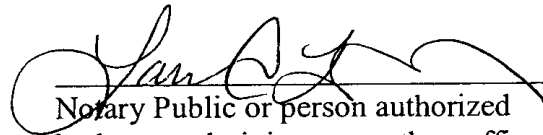
Ronald Skomro, Supervising Environmental Sanitarian  
Department of Public Health  
410 Capitol Avenue, MS#51AIR  
P.O. Box 340308  
Hartford, CT 06134-0308
5. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
6. Respondent shall pay all costs necessary to comply with this Consent Order.
7. This Consent Order is effective on the date this Consent Order is accepted by the Department.
8. Respondent understands this Consent Order may be considered as a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any proceeding before the Department in which its compliance with this Consent Order or with Chapters 400a or 368l of the General Statutes of Connecticut, as amended, is at issue.

9. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
10. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
11. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
12. Respondent has the right to consult with an attorney prior to signing this document.

I, John Acanfora, President of AAA Pace Services, Inc., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind AAA Pace Services, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

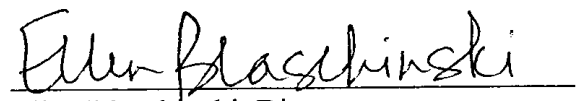
  
John Acanfora, President  
AAA Pace Services, Inc.

Subscribed and sworn to before me this 12 day of September 2003.

  
Notary Public or person authorized  
by law to administer an oath or affirmation

**LAUREL C. LASTER**  
**NOTARY PUBLIC**  
**MY COMMISSION EXPIRES MAR. 31, 2008**

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 18<sup>th</sup> day of September 2003, it is hereby accepted.

  
Ellen Blaschinski, Director  
Division of Environmental Health  
Bureau of Regulatory Services